

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAMMY A.I.,

Plaintiff,

v.

Case No. 20-11812

COMMISSIONER OF SOCIAL
SECURITY,

Sean F. Cox
United States District Court Judge

Defendant.

_____ /

ORDER
ADOPTING REPORT AND RECOMMENDATION
AND GRANTING PLAINTIFF'S COUNSEL'S
AMENDED MOTION FOR ATTORNEY FEES

Plaintiff commenced this action, via counsel, to appeal a final administrative decision denying her claims for disability insurance and supplemental security income benefits.

The matter is currently before this Court relating to an October 10, 2023 Report and Recommendation (“R&R”) by Magistrate Judge Anthony Patti (ECF No. 27), wherein he recommends that this Court “enter an order **DEEMING MOOT** Petitioner’s August 7, 2023 motion for attorney fees (ECF No. 20), **GRANTING** Petitioner’s August 18, 2023 amended motion for attorney fees (ECF No. 22) pursuant to 42 U.S.C. § 406(b), **AWARDING** counsel a reasonable fee of **\$12,414.77**, and **DIRECTING** the Commissioner of Social Security to disburse **\$12,414.77** from the representative fees withheld from Plaintiff Tammy I.’s past-due benefits to Petitioner, Erika A. Riggs, upon presentation of the Court’s Opinion and Order. Upon receipt of this fee, counsel must refund Plaintiff **\$6,142.50.**” (R&R at 9) (bolding in original).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a

matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that no objections to the R&R have been filed. The Court hereby **ADOPTS** the October 10, 2023 R&R.

IT IS ORDERED that Petitioner’s August 7, 2023 motion for attorney fees (ECF No. 20) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Petitioner’s August 18, 2023 amended motion for attorney fees pursuant to 42 U.S.C. § 406(b) (ECF No. 22) is **GRANTED** and counsel is **AWARDED** a reasonable fee of **\$12,414.77**. The Court **DIRECTS** the Commissioner of Social Security to disburse **\$12,414.77** from the representative fees withheld from Plaintiff Tammy I.’s past-due benefits to Petitioner, Erika A. Riggs, upon presentation of this Order. Upon receipt of this fee, counsel must refund Plaintiff **\$6,142.50**.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: October 30, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 30, 2023, by electronic and/or ordinary mail.

s/Jennifer McCoy
Case Manager